

# ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Via Hand Delivery**

Ms Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: pulver.com  
Ex Parte Presentation  
WC Docket No. 03-45**

Dear Ms. Dortch:

On January 23, 2004, Jeff Pulver, Ed Guy and Carl Ford of pulver.com (all of whom participated by phone), and Bruce Jacobs and Glenn Richards of Shaw Pittman LLP, counsel to pulver.com, met with Jeremy Miller, Julie Veach, Terri Natoli, Russ Hanser, Tom Navin and Michelle Carey of the WCB/CPD to discuss pulver.com's record position concerning its request for a declaratory ruling that Free World Dialup ("FWD") is neither telecommunications nor a telecommunications service.

During the meeting, the pulver.com representatives clarified FWD's interconnection with third party networks, the toll-free Interconnect and FWD's usage via dial-up networks. FWD facilitates connections at the IP level and does not directly connect to the PSTN. There are some cases where connections made to third party applications are further connected to the PSTN by that third party, but, that connection occurs outside the scope of FWD's functionality

Free World Dialup users can interconnect with third party networks and applications via the Internet in several ways. First, similar to how email can be exchanged between any two mail servers on the Internet simply by using an Internet Address, FWD can facilitate communications between members and non-members by using an Internet address. Users of other networks can reach FWD members without any prior arrangement by using a 'SIP URI' similar to *sip:33489@fwd.pulver.com*. In this manner, IpKall provided a direct bridge from Washington state PSTN numbers to FWD users without any prior knowledge or cooperation from the FWD team. Upon calling one of the IpKall PSTN numbers, the application that processes the call uses FWD to locate the registered user and facilitate a media connection between the IpKall application and the user's equipment.

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Likewise, FWD users whose equipment and configuration supports URI Dialing can reach VoIP users by entering a URI. In this way, FWD users can reach users of other networks that permit calls from FWD and no prior arrangement with the FWD team is necessary.

However, VoIP station equipment commonly has a traditional numeric keypad and it is difficult to perform URI-based dialing. To facilitate communication with users of other networks, the FWD team has entered 'Permanent Location Registration Entries' for specific numbers and created routing rules that direct all session invites that match a particular address pattern to a specified remote address. When the session invite reaches the remote destination, the application controller at that destination decides how to handle the call. For instance, if an FWD user dials `***47812345`, FWD uses the `***` prefix to address remote servers, `478` represents the particular "Network Access Code" and `12345` is the user number on the remote server. In this case, the session is directed to the network we have assigned number `478` (iptel.org) and user `12345`; the remote network controls the further processing the session. While Iptel.org is a free German Internet VoIP provider and routes to its Internet-based subscribers, others provide services including PSTN connections. FWD is an internet-based application that permits FWD subscribers to easily reach other FWD subscribers and other service providers; without an FWD-like service, it would still be possible to reach these users and services but the addressing would likely be more complicated. As an example, to reach the subscriber whose URI was shown above, one would call `33489@24.225.212.218`. Incidentally, this address would change every time the cable modem is restarted.

Several third parties have offered FWD users the ability to reach the public network via the third party's equipment. In particular, as part of its regular service, FWD facilitates users to call toll free networks in the United States, United Kingdom, Netherlands, France and Japan. This arrangement is of particular interest to expatriates working with companies in their home country. For the toll-free access, FWD has created a dialing plan that consists of a single `*` followed by the country code and then the national number. For instance, a relief worker in remote Africa calls LL Bean to order more mosquito netting by dialing `*18004415713` over FWD. Without a service like FWD, the toll free network would not be easily reachable and the cost of a call to the US would be prohibitive. FWD's role in providing this service is to simplify the addressing of these services and to route session creation, and other control command messages to the appropriate provider. FWD has no public network facilities and runs like a web-server via the Internet at the pulver offices as well as the 'peer1' ISP in New York.

The final point addressed is the use of FWD over dialup Internet connections. While this issue is beyond the petition scope, there are users that attempt to utilize FWD via dialup connections and they will achieve mixed results. FWD is designed for high

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quality voice. By default, FWD employs the "G.711U" CODEC<sup>1</sup> algorithm which is the same pulse code modulation technique used by the PSTN to digitize voice and transmit it over digital networks. This CODEC requires 64kbs plus IP and network overhead and exceeds the bandwidth available on dialup connections. Several narrow-band CODECs are available but voice quality is reduced and because license fees are significant, there are many interoperability problems. For instance, the FWD voice mail server only supports G.711 and dialup users will not be able to communicate with this server. The FWD team did experiment with FWD-Lite for dialup users, but the results were not acceptable; support costs were excessive and the program was discontinued after a few months.

Please direct any questions regarding this matter to the undersigned.

Very truly yours,



Glenn S. Richards

cc · Jeremy Miller  
Julie Veach  
Terri Natoli  
Russ Hanser  
Tom Navin  
Michelle Carey

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<sup>1</sup> CODEC – Compression- Decompression, a mathematical technique for converting or compressing analog signals to a form suitable for digital transport.